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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WASHINGTON C. MONTANO,

Plaintiff,

v.

CESAR L. SINNACO,

Defendants.

Case No.: C 04 0543 JF (PR)

**AMENDED STIPULATION AND
[PROPOSED] ORDER REGARDING
CASE SCHEDULE**

Trial Date: April 15, 2010
Action Filed: Feb. 9, 2004

Plaintiff Washington C. Montano and Defendant Cesar L. Sinnaco (collectively, "parties")
hereby amend their agreement and stipulation as follows:

WHEREAS on November 24, 2010, the parties filed a Stipulation and [Proposed] Order
Regarding Case Schedule (Docket No. 59), which sought to amend the scheduling order approved
by the Court on September 20, 2010 (Docket No. 57);

1 WHEREAS on December 9, 2010, the Court approved the Stipulation and [Proposed]
2 Order (Docket No. 60);

3 WHEREAS, during the week of December 13, 2010, Plaintiff's intended expert witness
4 encountered a conflict that prohibited his participation in the case;

5 WHEREAS Plaintiff has preliminarily identified a replacement expert but, due to the
6 intended replacement expert's prearranged travel during the holiday season, Plaintiff does not
7 have sufficient time to prepare and submit an expert disclosure statement pursuant to
8 Rule 26(a)(C)(2) of the Federal Rules of Civil Procedure;

9 WHEREAS Defendant's counsel is scheduled to commence trial in another matter on
10 February 22, 2010; and

11 WHEREAS the parties met and conferred, and hereby seek to amend the Court's
12 scheduling order to allow for additional time to designate expert witnesses and to accommodate
13 the trial schedule of Defendant's counsel;

14 THE PARTIES HEREBY STIPULATE to the following amended case schedule for Court
15 approval:

16 Designation of expert witnesses by February 4, 2011;

17 Designation of rebuttal expert witnesses by March 4, 2011;

18 Expert discovery to be completed by May 9, 2011; and

19 Trial is rescheduled to a date and time to be selected by the Court; the parties propose
20 that the trial date be set during or after June 2011.

21 Dated: December 21, 2010

EDMUND G. BROWN JR.
Attorney General of California
PAUL T. HAMMERNESS
Supervising Deputy Attorney General

24 By: _____/s/

Kay K. Yu
Deputy Attorney General
Attorneys for Defendant Cesar Sinnaco

1 I, Christopher M. O'Connor, declare, under penalty of perjury under the laws of the United
2 States of America, that Deputy Attorney General Kay K. Yu has concurred in the filing of this
3 document.

4 Dated: December 21, 2010

BINGHAM McCUTCHEN LLP

5 By: _____/s/
6 Christopher M. O'Connor
7 Attorneys for Plaintiff Washington C.
8 Montano

9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

10 Dated: 1/12/10

11 
12 _____
13 Hon. Jeremy Fogel